

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES G. HUFFMAN

*

Plaintiff,

*

v.

*

2:06-CV-748-MEF

SOUTHERN HEALTH SERVICES, *et al.*,

*

Defendants.

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ORDER ON MOTION

Before the court is Plaintiff's second motion for leave to amend complaint. The court finds that this pleading seeks to amend claims unrelated to matters raised in the original complaint. That is, Plaintiff's original complaint contained a claim based on a dispute over medical care and treatment related to a heart condition. By order filed September 29, 2006 the court granted Plaintiff's September 28, 2006 motion to amend to add additional factual allegations in support of the claim presented in the original complaint. (See Doc. No. 10.) In his second request for leave to amend the complaint, Plaintiff seeks to add a claim concerning Defendants' inaction regarding confiscation of his personal property which occurred on September 12, 2006. (Doc. No. 18.)

The court's order of procedure at page 5, ¶6(f), states: "All amendments to the complaint and/or motions to amend . . . must relate to the facts made the basis of the instant complaint. . . . Any such amendments or motions which contain claims unrelated to the

claims presented in the original complaint will not be considered by the court.” (See Doc. No. 5.) Claims which a complainant seeks to present to the court and which are unrelated to claims presented in said complainant’s original complaint, must be filed in a separate civil action and accompanied by the \$350.00 filing fee or an application to proceed *in forma pauperis*. Because the claims Plaintiff presents in his second motion for leave to amend complaint are unrelated to the claims presented in his original complaint, as amended, the court concludes that the motion is due to be denied.

For the reasons set forth above, it is

ORDERED that Plaintiff’s Motion for Leave to Amend Complaint (Doc. No. 18) be and is hereby DENIED.

Done this 25th day of October, 2006.

/s/Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE